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14 **Communications, LLC**
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10 **UNITED STATES DISTRICT COURT**
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12 **CENTRAL DISTRICT OF CALIFORNIA**

13 ENTROPIC COMMUNICATIONS, LLC,

14 Plaintiff,

15 v.

16 DISH NETWORK CORPORATION, *et*
17 *al.*,

18 Defendants.

Case No. 2:23-cv-1043-JWH-KES
(Lead Case)

Case No. 2:23-cv-1047-JWH-KES
(Related Case)

Case No. 2:23-cv-1048-JWH-KES
(Related Case)

Case No. 2:23-cv-5253-JWH-KES
(Related Case)

[Assigned to the Honorable John W.
Holcomb]

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

**DECLARATION OF NICHOLAS
F. LENNING IN SUPPORT OF
ENTROPIC'S OPPOSITION TO
DISH'S MOTION FOR
EXTENSION OF CLAIM
CONSTRUCTION SCHEDULE**

Hearing Date: April 5, 2024
Hearing Time: 9:00 a.m.
Courtroom: 9D

1 ENTROPIC COMMUNICATIONS, LLC,
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3 Plaintiff,
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5 COMCAST CORPORATION, *et al.*,
6

7 Defendants.
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9 ENTROPIC COMMUNICATIONS, LLC,
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11 Plaintiff,
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13 v.
14

15 DIRECTV, LLC, *et al.*,
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17 Defendants.
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DECLARATION OF NICHOLAS F. LENNING

I, Nicholas F. Lenning, declare as follows:

1. I am an attorney admitted *pro hac vice* to practice before this Court. I am a Partner with the law firm of K&L Gates LLP, and I am counsel of record for Plaintiff Entropic Communications, LLC (“Entropic” or “Plaintiff”) in the above-captioned matter. I am submitting this declaration in support of Entropic’s Opposition to DISH’s Motion for Extension of Claim Construction Schedule. I have personal knowledge of the matters stated herein and, if called to testify to such matters, I could and would testify hereto.

2. The parties are actively involved in claim construction discovery, analyzing their infringement and invalidity contentions for terms to propose in early April 2024.

3. On February 15, 2024, DISH requested to meet and confer regarding a pre-institution motion to stay. Counsel for Entropic asked DISH's counsel for the position of the other defendants in this consolidated case on a stay, including their position on IPR estoppel.

4. On February 20, 2024, Entropic and DISH met and conferred. Entropic asked how DISH intended to distinguish this Court’s denial of DISH’s motion for a pre-institution stay in the Satellite Cases. DISH’s counsel did not provide an answer. Counsel for Entropic reiterated its request for the positions of the other consolidated Defendants as to the motion. Counsel for Entropic also asked about the treatment of patents not subject to IPRs and whether DISH would seek to extend its pre-institution stay even if most of its petitions were denied. DISH’s counsel did not answer those questions during the call.

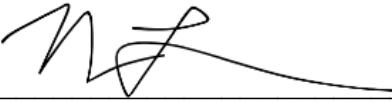
5. On February 28, 2024, DISH’s counsel again asked to meet and confer. DISH’s counsel still did not distinguish this Court’s prior denial of its pre-institution motion to stay in the Satellite Cases, but instead asked to confer about a motion to extend the claim construction schedule pending its *inter partes* review petitions, instead

1 of a full stay. On that call, DISH confirmed that no other Defendant intended to join the
2 motion, but did not oppose, and that no other Defendant, including DISH, would agree
3 to estoppel as to any other Defendant's IPR.

4 6. Attached hereto as **Exhibit A** is a true and correct copy of excerpts of
5 EchoStar Corporation's Annual Report SEC Form 10-K for the year ended December
6 31, 2023.

7 I declare under penalty of perjury under the laws of the United States that the
8 foregoing is true and correct.

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10 Executed on March 15, 2024 in Seattle, Washington.

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Nicholas F. Lenning